

**REMARKS**

Included herein is a request for a two-month extension of time along with the appropriate fee.

Applicant thanks the Examiner for his diligent and cooperative Action; Applicant respectfully seeks to herein comply with all of the issues raised by the Examiner in said subject Action.

The Examiner objected to the drawings under 37 CFR 1.83(a) for failing to show the feature of having a direct attachment between the motor drive and the valve stem. Applicant respectfully refers the Examiner to Page 14, line 13 of the Specification as originally filed. There, it is indicated that the reduction gear means 70 may or may not be included in the improved drive assembly means 60. There is extensive discussion on that page regarding the implications of the exclusion of the reduction gear means 70. It would seem that Figure 5, when coupled with the Specification, inherently depicts the system/method with and without the reduction gear means 70, and that further amendment would only make the depiction less clear, rather than more clear. If in view of this discussion, the Examiner persists in his objection, Applicant respectfully requests that the Examiner provide a suggestion for correcting the problem.

In the Office Action mailed 12/6/02, Claims 9-32 were rejected under 35 U.S.C. §112, first paragraph as containing subject matter not described in the specification in such a way as to reasonably convey to one skilled in the art that the inventor had possession of the claimed invention. Claims 9-32 were further rejected under 35 U.S.C. §112, second paragraph as failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Applicant has taken parts of the Examiner's generous

suggestions and has amended these claims as appropriate to overcome these grounds for rejection.

The Examiner has other objections to the claims; Applicant has herein made appropriate amendment in order to resolve those objections.

Claims 9-20, 22 and 24-32 were rejected as being obvious over the prior art under 35 U.S.C. § 103. Applicant respectfully traverses these rejections for the reasons set forth below and in the attached declaration of David Kruse dated 4/24/03.

Claims 21 and 23 were indicated as being allowable if redrafted to remove dependence upon rejected claims.

#### **Patentability of Claims 9-20, 22 and 24-32**

These claims stand rejected as being obvious over the prior art under 35 U.S.C. §103. In order to simplify this prosecution, Applicant will refer to David Kruse's declaration dated 4/24/03 (attached hereto).

In Item 14 of the Examiner's Action, he rejects Claims 9, 10, 14, 15, 19, 20, 22 and 24-32 over Applicant's cited prior art in view of Lenz et al.. Mr. Kruse makes several points in his declaration, namely, that the Lenz device does not teach a motor driven actuator, but instead discusses pneumatic control. The impossible applicability of pneumatic control to the problem solved by Applicant's invention is a clear indication that Lenz is in a field that is not analogous to Applicant's field of invention. As such, not only does it not teach or suggest Applicant's design, but it is not even a proper reference for the field of Applicant's invention. In view of this, Claims 9, 10, 14, 15, 19, 20, 22 and 24-32 should be allowed.

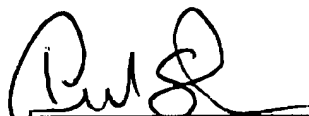
In Item 15 of the Examiner's Action, he rejects Claims 11-13 and 16-18 over Applicant's cited prior art in view of Lenz et al. and further in view of Scholl et al. Referring to Mr. Kruse's discussion on this matter, clearly the Scholl method fails to teach a motor shaft connected to a valve stem; furthermore, Scholl also is in a field that is non-analogous to the field of Applicant's invention. Furthermore, in paragraph 3 of this section of Mr. Kruse's declaration, he provides evidence (and also refers to Mr. Cederstav's previous declaration) that the state of the art in Applicant's field actually teaches away from Applicant's claimed process, since none have chosen to use the closed-loop motion control of Applicant's claimed process for controlling pressure or flow. Since the references fail to teach, hint or suggest the invention of Applicant's Claims 11-13 and 16-18 either alone or in combination, these claims, too must be allowed.

**Conclusion**

In view of the foregoing amendments and remarks, Applicant respectfully requests that the application be reconsidered, the claims be allowed, and the case passed to issue.

Respectfully submitted,

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